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10/816,401

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EXAMINER

RAMPURIA, SHARAD K

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

12/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/816,401

Applicant(s)

SENGUPTA ET AL.

Examiner

sharad rampuria

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-11,13-17,19-25,27-35,37-44 and 46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-11,13-17,19-25,27-35,37-44 and 46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

### ***Continued Examination under 37 CFR 1.114***

II. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/24/2007 has been entered.

### ***Disposition of the claims***

III. The current office-action is in response to the Applicant Arguments/Remarks Made in an Amendment filed on 08/22/2007.

Accordingly, Claims 6, 12, 18, 26, 36, 45 are cancelled, thus, Claims 1-5, 8-11, 13-17, 19-25, 27-35, 37-44 and 46 are imminent for further assessment as follows:

### ***Claim Rejections - 35 USC § 103***

IV. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 8-11, 13-17, 19-25, 27-35, 37-44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leifer [US 6681109] in view of Srinivasan et al. [US 20020022488].

As per claims 1, 19, Leifer teaches:

A method (Abstract) comprising:

Receiving customer information corresponding to a customer-provided wireless device (i.e. paging device; 20; Fig.1, Col.3; 59-67) from a party including one or more customers requesting services from a service establishment that provides services to customers within the service establishment; (i.e. the central station can selectively send signals to one or more of the paging devices in response to received service request criteria from the customer keypads; Col.4; 16-26)

Providing, to a wireless service provider that provides wireless services to the device corresponding to one of the one or more customers, the service availability information. (i.e. the code will be transmitted to central station which will send the particular request to the server pager to instruct them to fulfill the request by bringing a particular item or service requested to the customer location from which the request originated; Col.4; 58-67, Col.2; 36-49, Col.5; 38-58)

Leifer fails to teach tracking the location of the customer-provided wireless device; generating service availability information corresponding to at least an estimated time until the requested services are available in response to receiving the customer information wherein the service availability information comprises one or more of an estimated wait time, a distance between the service establishment and the wireless device, a service status, and a location of the service establishment, where the service availability information is updated based at least in part on the location of the customer-provided wireless device. However, Srinivasan teaches in an analogous art that tracking the location of the customer-provided wireless device; (e.g. The preferences may, furthermore, be established by, for example, a user providing preference information or by tracking user selections over time to determine preferences through historic trends. The invention may operate to communicate information to a wireless communication device 34 only when that device 34 is operating and may, furthermore, assume that a user is located in close proximity to the device 34 when the device 34 is operating; ¶ 0038) generating service availability information corresponding to at least an estimated time until the requested services are available in response to receiving the customer information wherein the service availability information comprises one or more of an estimated wait time, a distance between the

service establishment and the wireless device, a service status, and a location of the service establishment, (e.g. Dynamic information may also be included such as, for example, weather data, traffic data, current waiting time for certain services, and current promotions being offered by merchants. Sources of such dynamic information may include enterprises making that information available to the information service provider. It will be recognized that the information service provider may charge a fee for inclusion of information related to an enterprise. Once the location-specific information has been stored in the database, it may be retrieved and transmitted to one or more wireless communication devices 34 that have entered a specified area; ¶ 0047) where the service availability information is updated based at least in part on the location of the customer-provided wireless device. (e.g. If the individual desires a particular kind of food, the system can provide a list of restaurants offering that type of food within a three block walk. If the individual wants to buy a specific product, he can be informed as to which stores in the neighborhood carry the product, at what price, and whether or not it is currently in stock; ¶ 0061). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Leifer including tracking the location of the customer-provided wireless device; generating service availability information corresponding to at least an estimated time until the requested services are available in response to receiving the customer information wherein the service availability information comprises one or more of an estimated wait time, a distance between the service establishment and the wireless device, a service status, and a location of the service establishment, where the service availability information is updated based at least in part on the location of the customer-provided wireless device in order to provide a method of communicating inferred information to a wireless communication device user. That

method includes determining a location of the wireless device, inferring a likely interest of the user from the location of the wireless device, and transmitting data related to the interest to the wireless device. The method may also ascertain time at the location of the wireless communication device user and infer an interest of the user from the time and location of the user. In addition, the method may include inferences made from information related to preferences of the user.

As per claims 2, 20, Leifer teaches:

The method of claim 1 wherein the wireless device comprises one of: a cellular telephone, a pager, a personal digital assistant (PDA), a portable computer, a global positioning system (GPS) device, a watch, and a wireless electronic mail device. (i.e. paging device; 20; Fig.1, Col.3; 59-67)

As per claims 3, 23, Leifer teaches:

The method of claim 1 wherein the service establishment comprises one of: a restaurant, a hair salon, an automobile service facility, an amusement park attraction, a spa, a bar, a club, a golf course and a bowling facility. (i.e. a restaurant; Col.2; 21-35)

As per claims 4, 24, Leifer teaches:

The method of claim 1 wherein the customer information comprises one or more of: a number of people in the party, a service preference and a wireless identifier. (i.e. uniquely addressable device; Col.4; 16-31)

As per claims 5, 25, Leifer teaches:

The method of claim 4 wherein the wireless identifier comprises one of: a cellular telephone number, a pager number, a wireless device network address, a user identifier, a group identifier. (i.e. uniquely addressable device; Col.4; 16-31)

As per claims 9, 33, Leifer teaches:

The article of claims 7, 29, respectively wherein the service establishment comprises one of: a restaurant, a hair salon, an automobile service facility, an amusement park attraction, a spa, a bar, a club, a golf course and a bowling facility. (i.e. a restaurant; Col.2; 21-35)

As per claims 10, 34, Leifer teaches:

The article of claims 7, 29, respectively wherein the customer information comprises one or more of: a number of people in the party, a service preference and a wireless identifier. (i.e. uniquely addressable device; Col.4; 16-31)

As per claims 11, 35, Leifer teaches:

The article of claims 10, 33, respectively wherein the wireless identifier comprises one of: a cellular telephone number, a pager number, a wireless device network address. (i.e. uniquely addressable device; Col.4; 16-31)

As per claim 14, Leifer teaches:



The system of claim 13 wherein the wireless device comprises one of: a cellular telephone, a pager, a personal digital assistant (PDA), a portable computer, a global positioning system (GPS) device, a watch, and a wireless electronic mail device. (i.e. paging device; 20; Fig.1, Col.3; 59-67)

As per claim 15, Leifer teaches:

The system of claim 13 wherein the service establishment comprises one of: a restaurant, a hair salon, an automobile service facility, an amusement park attraction, a spa, a bar, a club, a golf course and a bowling facility. (i.e. a restaurant; Col.2; 21-35)

As per claim 16, Leifer teaches:

The system of claim 13 wherein the customer information comprises one or more of: a number of people in the party, a service preference and a wireless identifier. (i.e. uniquely addressable device; Col.4; 16-31)

As per claim 17, Leifer teaches:

The system of claim 16 wherein the wireless identifier comprises one of: a cellular telephone number, a pager number, a wireless device network address. (i.e. uniquely addressable device; Col.4; 16-31)

As per claims 21, 31, 27, 37, 41, 46 Leifer teaches all the particulars of the claim except tracking a location of the wireless device; determining a travel distance between the wireless

device and the service establishment; determining a time of travel corresponding to the distance between the wireless device and the service establishment; comparing the time of travel with an estimated wait time from the service availability information; and transmitting an alert message to the wireless device with the time of travel is within a pre-selected range of the estimated wait time. However, Srinivasan teaches in an analogous art, that the method of claims 19, 29, 39, respectively further comprising: tracking a location of the wireless device; determining a travel distance between the wireless device and the service establishment; determining a time of travel corresponding to the distance between the wireless device and the service establishment; comparing the time of travel with an estimated wait time from the service availability information; and transmitting an alert message to the wireless device with the time of travel is within a pre-selected range of the estimated wait time. (e.g. Dynamic information may also be included such as, for example, weather data, traffic data, current waiting time for certain services, and current promotions being offered by merchants. Sources of such dynamic information may include enterprises making that information available to the information service provider. It will be recognized that the information service provider may charge a fee for inclusion of information related to an enterprise. Once the location-specific information has been stored in the database, it may be retrieved and transmitted to one or more wireless communication devices 34 that have entered a specified area; ¶ 0047)

As per claims 22, 28, 32, 38 Leifer teaches all the particulars of the claim except determining a time of travel corresponding to the distance between the wireless device and the service establishment comprises using an indication of traffic conditions and distance of travel to

determine the time of travel. However, Srinivasan teaches in an analogous art, that the method of claims 21, 27, 31, respectively wherein determining a time of travel corresponding to the distance between the wireless device and the service establishment comprises using an indication of traffic conditions and distance of travel to determine the time of travel. (e.g. Dynamic information may also be included such as, for example, weather data, traffic data, current waiting time for certain services, and current promotions being offered by merchants. Sources of such dynamic information may include enterprises making that information available to the information service provider. It will be recognized that the information service provider may charge a fee for inclusion of information related to an enterprise. Once the location-specific information has been stored in the database, it may be retrieved and transmitted to one or more wireless communication devices 34 that have entered a specified area; ¶ 0047)

As per claim 40, Leifer teaches:

The system of claim 39 wherein the wireless device comprises one of: a cellular telephone, a pager, a personal digital assistant (PDA), a portable computer, a global positioning system (GPS) device, a watch, and a wireless electronic mail device. (i.e. paging device; 20; Fig.1, Col.3; 59-67)

As per claim 42, Leifer teaches:

The system of claim 39 wherein the service establishment comprises one of: a restaurant, a hair salon, an automobile service facility, an amusement park attraction, a spa, a bar, a club, a golf course and a bowling facility. (i.e. a restaurant; Col.2; 21-35)

As per claim 43, Leifer teaches:

The system of claim 39 wherein the customer information comprises one or more of: a number of people in the party, a service preference and a wireless identifier. (i.e. uniquely addressable device; Col.4; 16-31)

As per claim 44, Leifer teaches:

The system of claim 39 wherein the wireless identifier comprises one of: a cellular telephone number, a pager number, a wireless device network address. (i.e. uniquely addressable device; Col.4; 16-31)

***Claims 7, 13, 29, 39, are*** the system, computer readable medium claims corresponding to method claim 1 respectively, and rejected under the same rationale set forth in connection with the rejection of claim 1 respectively, above.

***Response to Amendments & Remarks***

V. Applicant's arguments with respect to claims 1-5, 8-11, 13-17, 19-25, 27-35, 37-44 and 46 have been fully considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

VI. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

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